



## Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

**JUNE 24, 2019**

**9:30**

**Calendar No. 19-103: 10517 Elk Ave. (PPN 10813100) Ward 10**  
**/Department of Public Works Anthony T. Hairston**  
**Invoice**

Kay Smith, owner, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the hearing officer, dated April 12, 2019, to uphold the City of Cleveland's Department of Parks, Recreation, and Properties to issue invoices regarding abating nuisances at the subject property. (Filed May 10, 2019).

**9:30**

**Calendar No. 19-109: 2305 W. 40 Street Ward 3**  
**Kerry McCormack**

Near West Reinvestment, owner, proposes to erect a front porch and open wolmanized wooden deck in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08(b)(1) which states that the required rear yard shall not be less than 20 feet and the appellant is proposing 5 feet.
2. Section 357.09(b)(2)(B) which states that the interior side yards shall not be less than 10 feet and the appellant is proposing 8 feet and 1 inch.
3. Section 357.13(b)(4) which states that open front porches shall not be less than 10 feet from property line and the appellant is proposing zero feet. (Filed May 22, 2019)

**9:30**

**Calendar No. 19-111: 2175 Columbus Rd. Ward 3**  
**Kerry McCormack**

Robert Kennedy, owner, proposes to establish use as a fitness center in a G2 Limited Retail Business District and an Urban Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(d)(4)(A) which states that a required parking area equal to 2,175 square feet is required and 500 feet are provided.
2. Section 358.04(d)(1)(A) which states that the maximum front yard setback is 8 feet and 20 feet are proposed.
3. 358.04(d)(3)(A) which states that glazing is required on 75% of the frontage of building and no glazing is shown.

4. Section 343.18(d) which states that the maximum width of a driveway is 30 feet and a 44 foot driveway is proposed.
5. Section 343.18 (c) which states that driveways in retail districts must be at least 15 feet from side property lines. (Filed May 22, 2019)

**9:30**

**Calendar No. 19-121:            2245 East 80 Street                            Ward 6**  
**/Department of Public Works            Blaine A. Griffin**  
**Invoice**

Carl Wallace, owner, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the hearing officer, dated May 10, 2019, to uphold the City of Cleveland's Department of Parks, Recreation, and Properties to issue invoice Number WO-7010-453076 regarding abating nuisances at the subject property. (Filed May 30, 2019).

**REHEARING**

**9:30**

**Calendar No. 19-070:            0000 Seymour Ave. (PPN 007-19-Ward 3**  
**042)    Kerry McCormack**  
**/Department of Public Works**  
**Invoice**

Carmen Davilla, owner, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the hearing officer, on March 13, 2019, to uphold the City of Cleveland's Department of Parks, Recreation, and Properties to issue invoices regarding abating nuisances at the subject property. (Filed April 15, 2019 -TESTIMONY TAKEN). THIS CASE WAS DENIED ON MAY 13, 2019(DUE TO A FAILED MOTION) BUT WAS NOT RATIFIED AS NEW INFORMATION HAS BEEN SUBMITTED.

**POSTPONED FROM MAY 13, 2019**

**9:30**

**Calendar No. 19-72:            961 Addison Road                            Ward 10**  
**Anthony T. Hairston**

City of Cleveland, owner, proposes to consolidate 4 parcels and build a parking lot in a B3 Semi-Industrial District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07 which states that accessory off-street parking spaces shall be provided with wheel or bumper guards. The driveway used to provide accessibility to accessory parking spaces shall be arranged to minimize traffic congestion.
2. Section 352.10 which states that a 6 foot wide landscaped frontage strip is required.
3. Section 358.05 which states that fences in the actual front yard and in side street yard shall not exceed four (4) feet in height and shall be at least 50% open and proposed fence is 6 feet tall. (Filed April 16, 2019 - NO TESTIMONY) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY FOR FURTHER REVIEW.*

**POSTPONED FROM MAY 13, 2019**

**9:30**

**Calendar No. 19-75:**

**3977 Wendy Drive**

**Ward 1  
Joseph T. Jones**

4. Quemonte Leonard, owner, proposes to establish use as a Type A daycare in an A1 One-Family Residential District. The owner appeals for relief from the strict application of Section 337.02(g)(3)(c) which states that childcare use in a One or Two Family Residential District is permitted if located not less than 30 feet from any adjoining premises in a residential district and subject to the review and approval of the Board of Zoning Appeals. (April 23, 2019 - TESTIMONY TAKEN) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO BRING AN AUTHORIZATION LETTER FROM THE OWNER AND TO TALK TO COUNCILMAN AS WELL AS NEIGHBORS.*

**POSTPONED FROM JUNE 10, 2019**

**9:30**

**Calendar No. 19-055:**

**3381 Rocky River/Illicit  
Discharge/Water Pollution  
Control Violation Notice**

**Ward 17  
Martin J. Keane**

Koussa Properties, LTD., owners, appeal under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the Commissioner of the City of Cleveland's Division of Water Pollution Control to issue a Notice of Violation which states that the homeowner has failed to comply with section 541.1(a)(8) Cleveland Codified Ordinance Section regarding illicit discharge at 3381 Rocky River Drive (Filed March 27, 2019- No Testimony). *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR TIME FOR FURTHER REVIEW.*

**POSTPONED FROM JUNE 10, 2019**

**9:30**

**Calendar No. 19-098:**

**3365 Rocky River/Illicit  
Discharge/Water Pollution  
Control Violation Notice**

**Ward 17  
Martin J. Keane**

Laura and Wilbur Janosko, owners, appeal under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the Commissioner of the City of Cleveland's Division of Water Pollution Control to issue a Notice of Violation which states that the homeowner has failed to comply with section 541.11(a)(8) Cleveland Codified Ordinance Section regarding illicit discharge at 3365 Rocky River Drive (Filed May 7, 2019- NO TESTIMONY). *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

**POSTPONED FROM MAY 20, 2019**

**9:30**

**Calendar No. 19-68:            10409 Meech Ave./Division            Ward 2**  
**of Park Maintenance and            Kevin L. Bishop**  
**Properties Invoice WO-7010-**  
**465123**

Number Two Grace LLC., owner, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of Natasha Bruister, Project Coordinator, for the Division of Park Maintenance and Properties on March 13, 2019 regarding Invoice WO-7010-465123. The invoice was issued in accordance with chapter 209 of the Cleveland Codified Ordinance which authorizes the Department of Parks Maintenance and Properties to abate nuisances on any property and bill the owner of the abated property at a rate of seven cents per square foot (Filed April 12, 2019- NO TESTIMONY). *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

**9:30**

**Calendar No. 19-69:            10409 Meech Ave./Division            Ward 2**  
**of Park Maintenance and            Kevin L. Bishop**  
**Properties Invoice WO-7010-**  
**546250**

Number Two Grace LLC., owner, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of Natasha Bruister, Project Coordinator, for the Division of Park Maintenance and Properties on March 13, 2019 regarding Invoice WO-7010-546250. The invoice was issued in accordance with chapter 209 of the Cleveland Codified Ordinance which authorizes the Department of Parks Maintenance and Properties to abate nuisances on any property and bill the owner of the abated property at a rate of seven cents per square foot (Filed April 12, 2019-NO TESTIMONY). *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*